COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC000035

Ex Parte: In the matter of third-party testing of Operation Support Systems for Bell Atlantic-Virginia, Inc.

Project Leader Ruling On Adding Line Splitting To The Master Test Plan

April 6, 2001

On February 17, 2000, the Commission established this proceeding to conduct third-party testing of the operation support systems ("OSS") for Bell Atlantic-Virginia, Inc., now Verizion-Virginia, Inc. ("Verizon"). Pursuant to the Commission's directives, on May 31, 2000, the Project Leader adopted a Master Test Plan. The Project Leader revised the Master Test Plan on November 28, 2000.

On February 9, 2001, AT&T Communications of Virginia, Inc. ("AT&T") requested a modification to the Master Test Plan. In its request, AT&T proposed that the Master Test Plan be amended to include testing of the methods, procedures, and OSS needed to support line splitting. In support, AT&T stated that "[t]he FCC has recently clarified that Verizon is currently obligated to provide line splitting under its existing rules, and Verizon is in fact developing OSS for line splitting pursuant to a timetable ordered by the New York Public Service Commission."[1]

On February 14, 2001, the Commission's Project Leader issued a ruling seeking comments from interested persons concerning AT&T's requested modification to the Master Test Plan. As of March 7, 2001, comments supporting AT&T's request were received from MCI WorldCom Communications of Virginia, Inc. and MCImetro Access Transmission Services of Virginia, Inc. (jointly referred to as "WorldCom"), Sprint Communications Company of Virginia, Inc. ("Sprint"), and the Association of Communications Enterprises ("ASCENT"). Also, on March 7, 2001, Verizon filed comments opposing AT&T's request. On March 14, 2001, AT&T filed a Reply in response to Verizon's opposition.

As currently formulated, the Virginia Master Test Plan includes test transactions related to the preordering, ordering, provisioning, maintenance and repair, and billing for ISDN capable loops, xDSL capable loops, and line sharing. These network elements facilitate CLEC offers of broadband services to their customers. For transactions related to ISDN and xDSL capable loops, the entire loop is transferred to a single CLEC. In contrast, line sharing refers to "the provision of xDSL-based service by a [CLEC] and voiceband service by an [ILEC] on the same loop."[2]

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[1] AT&T Petition at 1.

[2] Federal Communications Commission, *In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Third Report and

Line splitting permits one CLEC to provide xDSL, or data, service to a customer, while another CLEC provides voice service to the customer over the same loop.[3] The Virginia Master Test Plan does not address line splitting. However, as AT&T points out in its request, the Federal Communications Commission, ("FCC") recently has clarified that Verizon must accommodate line splitting.

> We find that [ILECs] have a current obligation to provide competing carriers with the ability to engage in line splitting arrangements. The Commission's existing rules require [ILECs] to provide competing carriers with access to unbundled loops in a manner that allows the competing carrier "to provide any telecommunications service that can be offered by means of that network element." Our rules also state that "[a]n incumbent LEC shall not impose limitations, restrictions, or requirements on . . . the use of unbundled network elements that would impair the ability of" a competing carrier "to offer a telecommunications service in the manner" that the competing carrier "intends." We further note that the definition of "network element" in the Act does not restrict the services that may be offered by a competing carrier, and expressly includes "features, functions, and capabilities that are provided by means of such facility or equipment." As a result, independent of the unbundling obligations associated with the high frequency portion of the loop that are described in the *Line Sharing Order*, incumbent LECs must allow competing carriers to offer both voice and data service over a single unbundled loop. This obligation extends to situations where a competing carrier seeks to provide combined voice and data services on the same loop, or where two competing carriers join to provide voice and data services through line splitting.[4]

AT&T, therefore, argues that Verizon "must demonstrate that its *current* OSS, whether mechanized or manual, will support line splitting in a commercially reasonable manner."[5] Further, AT&T contends that the place to make such a demonstration is KPMG's third-party test.[6] In support, AT&T highlighted language in the Commission's Initiating Order in this proceeding in which the Commission defined the purpose of third-party testing to be "not just . . . a means for [Verizon] to overcome a federal regulatory hurdle to achieve in-region long distance authority but also as a laboratory to test, develop, and implement solutions."[7]

Order On Reconsideration, FCC 01-26, released January 19, 2001, at ¶ 5 ("*FCC's Line Splitting Order*") (citations omitted).

[3] *Id.* at ¶¶ 14-17.

[4] *Id.* at ¶ 18 (citations omtted).

[5] AT&T Petition at 4.

[6] *Id.*

[7] *Id.* at 5 (quoting *Commonwealth of Virginia At the relation of the State Corporation Commission, Ex Parte: In the matter of third-party testing of Operations Support Systems for*

Nonetheless, AT&T notes that following the FCC's lead, the New York Public Service Commission ("New York Commission") has convened a collaborative to address line sharing and line splitting issues.[8] AT&T states that the New York Commission has ruled that Verizon must implement "preliminary" line splitting not later than June 2001 and support full commercial availability of line splitting no later than October 2001.[9] The "preliminary" line splitting consists of the addition of data to an existing voice platform account.[10] The code to support this "preliminary" line splitting must be released by Verizon no later than May 20, 2001.[11]

Based on the current schedule for KPMG's Virginia test, AT&T recommends that the Master Test Plan be changed to include the testing of the "preliminary" line splitting.[12] AT&T recognizes that KPMG's test may conclude prior to full commercial availability of line splitting.[13] Consequently, AT&T further asks that the Commission extend KPMG's contract to permit the testing of the full commercial availability line splitting in the event that third-party testing concludes as scheduled.

Verizon opposes AT&T's request, stating that it already provides CLECs with line splitting capabilities and that the processes and systems AT&T wants to test currently are under development.[14] Verizon points out that the FCC found that line splitting raises a number of difficult and complex issues that are best resolved in state collaboratives:

> We strongly urge incumbent LECs and competing carriers to work together to develop processes and systems to support competing carrier ordering and provisioning of unbundled loops and switching necessary for line splitting. In particular, we encourage incumbent LECs and competing carriers to use existing state collaboratives and change management processes to address, among other issues: developing a single-order process for competing carriers to add xDSL service to UNE-platform voice customers; allowing competing carriers to forego loop qualification if they choose to do so (*i.e.*, because xDSL service is already provided on the line); enabling competing carriers to order loops for use in line splitting as a "non-designed" service; and

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Bell Atlantic-Virginia, Inc., Case No. PUC000035, Order Initiating Testing, Assigning Project Leader and Calling for Proposed Master Test Plan and Performance Standards to be Developed by KPMG Peat Marwick (February 17, 2000)).

[8] *Id.* at 6-7.

[9] *Id.* at 7 (quoting *Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services*, Case 00-C-0127, Order Granting Clarification, Granting Reconsideration in Part and Denying Reconsideration in Part, and Adopting Schedule (January 29, 2001) at 11-12 and n.19).

[10] *Id.*

[11] *Id.*

[12] *Id.* at 8.

[13] *Id.* at 10.

[14] Verizon's Comments at 2.

> using the same number of cross connections, and the same length of tie pairs for line splitting and line sharing arrangements.[15]

In addition, Verizon maintains that for line splitting to become commercially available business-to-business rules must be established. Such business rules must address how CLECs order the service, report troubles, and test the service, and how a data LEC orders line splitting instead of the voice LEC.[16] Thus, Verizon contends that AT&T's request "will inevitably delay the test and report" and change the test from a "snapshot" to an ongoing "video."[17]

In the initial ruling adopting the Virginia Master Test Plan, the standard for products included in the test was "products and services required by the FCC or are otherwise offered by [Verizon]."[18] Based on the *FCC's Line Splitting Order*, Verizon has a current obligation to facilitate line splitting in Virginia.[19] Moreover, according to Verizon's comments, Verizon currently provides CLECs with some line splitting capability.[20] Nonetheless, both AT&T and Verizon acknowledge that additional processes and procedures, such as those under development in the New York collaborative, must be agreed upon and implemented for full commercial availability of line splitting.[21] Therefore, I find that the Virginia Master Test Plan should be amended to include the testing of line splitting. The focus of such testing should be on the processes and procedures currently available in Virginia and those developed or reported from the New York collaborative. In other words, KPMG should determine whether and the extent to which line splitting is currently available in Virginia. In addition, KPMG should review and express its professional opinion on: (i) any line splitting processes and procedures adopted by the New York collaborative during the course of the Virginia test, and (ii) Verizon's plans for implementing such processes and procedures in Virginia. As with other areas of the test, CLECs implementing line splitting in Virginia are encouraged to permit KPMG the opportunity to observe such implementations. Furthermore, I find that amending the Virginia Master Test Plan to include line splitting should not have an impact on the current test schedule. Any transaction tests, or process tests related to line splitting must be completed within the existing test schedule. I agree with Verizon that this test and report should not be delayed and that the test should not become an ongoing "video."

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[15] *FCC's Line Splitting Order* at ¶ 21 (citations omitted).
[16] Verizon's Comments at 2-3.
[17] *Id.* at 3-4.
[18] *Commonwealth of Virginia At the relation of the State Corporation Commission, Ex Parte: In the matter of third-party testing of Operation Support Systems for Bell Atlantic-Virginia, Inc.*, Case No. PUC000035, Project Leader Ruling Adopting Master Test Plan at 17 (May 31, 2000).
[19] *FCC's Line Splitting Order* at ¶ 18.
[20] Verizon's Comments at 2.
[21] Verizon's Comments at 2-3; AT&T Petition at 6-7.

In summary, based upon AT&T's Petition and all of the comments, I find that the Virginia Master Test Plan should be modified as described above.

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Hearing Examiner/Project Leader